

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MARION R. PENIGAR,)	
)	
Plaintiff,)	8:05cv448
)	
vs.)	ORDER to SHOW CAUSE
)	
SGT. WELCH , et al.,)	
)	
Defendants.)	

This matter is before the court sua sponte. It appears to the court that this case may have been abandoned. The plaintiff, Marion R. Penigar, filed his complaint when he was a prisoner. However, the plaintiff has since been released from custody.

On March 17, 2006, the court granted the plaintiff an extension of time to serve the defendants with process. Since then, a summons has been issued and was returned executed by the U.S. Marshal on April 21, 2006, as to one defendant, Sgt. Welch. No activity has occurred in the case since the return of service in April of 2006. The only defendant who has been served with process has not entered an appearance, and the plaintiff has taken no action to obtain an Entry of Default.

Accordingly, by August 25, 2006, the plaintiff shall show cause why this case should not be dismissed, without prejudice, for lack of prosecution.¹ In the absence of a timely and sufficient showing of cause, the above-entitled case may be subject, without further notice, to dismissal without prejudice by District Judge Richard G. Kopf.

SO ORDERED:

DATED this 7th day of August, 2006.

BY THE COURT:

s/ F. A. GOSSETT
United States Magistrate Judge

¹See NECivR 41.1, which states in pertinent part: "At any time when it appears that any action is not being prosecuted with reasonable diligence the court may dismiss it for lack of prosecution."